

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES ROBINSON, individually and on
behalf of others similarly situated,

Plaintiff,

v.

DISNEY ONLINE d/b/a DISNEY
INTERACTIVE,

Defendant.

ECF

Civil Action No. 1-14-CV-4146 (RA)(DCF)

**UNOPPOSED REQUEST TO DEEM
FIRST AMENDED COMPLAINT TIMELY FILED**

On August 25, 2014, the Court entered a Notice Regarding Deficient Amended Complaint (the “Notice”), identifying Plaintiff’s First Amended Complaint (“FAC”) (Dkt. 20) as deficient inasmuch as it was filed August 23, 2014 rather than August 22, 2014. The Notice further instructed Plaintiff to “[f]ile the Exhibit to Pleading event found under the event category Other Documents and attach...opposing party’s written consent” to the FAC being deemed timely filed.

Subsequently, the Parties conferred (through counsel) and Defendant Disney Online confirmed that it does not oppose the Court deeming Plaintiff’s FAC timely filed. (*See* August 27, 2014 E-mail from Rosemarie Ring, a true and accurate copy of which is attached hereto as Exhibit 1.) Accordingly, Plaintiff respectfully requests that the Court deem the FAC timely filed.

Respectfully submitted,

JAMES ROBINSON, individually and on
behalf of all others similarly situated,

Dated: August 28, 2014

By: /s/ Benjamin H. Richman
One of Plaintiff’s Attorneys

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CERTIFICATE OF SERVICE

I, Benjamin H. Richman, an attorney, hereby certify that on August 28, 2014, I served the above and foregoing ***Unopposed Request to Deem First Amended Complaint Timely Filed***, by causing a true and accurate copy of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this the 28th day of August 2014.

/s/ Benjamin H. Richman

Exhibit 1



Benjamin H. Richman <brichman@edelson.com>

Robinson v. Disney

Ring, Rosemarie <Rose.Ring@mto.com>
To: "Benjamin H. Richman" <brichman@edelson.com>

Wed, Aug 27, 2014 at 2:37 PM

Hi Ben,

We do not oppose the amended complaint being deemed timely submitted.

Thanks

Rose

From: Benjamin H. Richman [mailto:brichman@edelson.com]
Sent: Monday, August 25, 2014 12:11 PM
To: Ring, Rosemarie
Subject: Robinson v. Disney

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